

CHAPTER 752

CORRECTIVE, DISCIPLINARY AND ADVERSE ACTIONS

APPENDIX C

CONDUCTING PRE-ACTION INVESTIGATIONS

1. The purpose of the pre-action investigation is to inquire into, discover, and report pertinent facts concerning a matter which may involve disciplinary or adverse action. The investigator's job is to impartially ascertain and obtain all available information and not to perfect a case against the employee. A written report of the investigator's findings should be made.
2. Pre-action investigations will normally be conducted by supervisors. However, someone else may be assigned to conduct an investigation.
3. An investigation should encompass any means necessary to gather the facts. Generally, interviews should be conducted individually and privately with the employee concerned except as modified by a negotiated agreement between activity management and a labor organization. Other employees or supervisors or witnesses should be interviewed privately when feasible. Written statements, pertinent documents and records should be obtained, as appropriate. A visual inspection of the worksite may be helpful. Any unusual condition or circumstance should be noted.
4. An employee in a unit represented by a labor organization who is being examined by a representative of management in connection with an investigation has the right to union representation when the employee reasonably believes that the examination may result in disciplinary action being taken against him/her, and if he/she requests such representation.
5. Every employee is obligated to furnish testimony or information to appropriately authorized DON and other Federal representatives in regard to official matters under inquiry arising under laws, rules, and regulations administered by the DON and other Federal agencies. Failure or refusal to furnish this testimony or information may in itself be the basis for disciplinary action.
6. As soon as practicable after the investigator is appointed, he/she should:
 - a. Contact the employee. The employee should be advised of:
 - (1) The pre-action investigation and the investigator's identity.
 - (2) The specific incident(s) being investigated.
 - (3) His/Her right to union representation, if specified in a negotiated agreement.

- (4) His/Her right to make a statement and suggest witnesses to the investigator.
- (5) The date, time and place of a meeting to interview the employee.
- b. Secure as much evidence as possible by:
 - (1) Interviewing known witnesses.
 - (2) Reviewing documents.
 - (3) Gathering any pertinent information.
- c. Begin the interview by informing the employee of the:
 - (1) Specific incident(s) being investigated.
 - (2) Possibility that discipline may result from the investigation.
 - (3) Right to make an oral or written statement and suggest witnesses for the investigator to interview.
- d. Interview the employee. Absence of the employee does not stop the investigation. However, reasonable efforts must be made to give the employee an opportunity to present his/her case. Employees should be given reasonable opportunity to obtain a representative as provided for in negotiated agreements. The investigator should:
 - (1) Obtain the employee's statement of all pertinent facts. There is no requirement to have statements typed, but handwritten statements must be clear and readable.
 - (2) Note the presence of a representative or observer.
 - (3) Obtain statements from witnesses suggested by the employee, if other than those in paragraph 6b(1) of this Appendix.
 - (4) Inform the employee that he/she will be notified if any further action is taken.
- e. Decide if further investigation is required.
- f. Compile report.
- g. If disciplinary action is considered necessary, a copy of the pre-action investigation should be furnished to Human Resources Office (HRO), Norfolk.